

J.C. CAROTHERS \* BEFORE THE  
PLANNING BOARD CASE CSDP-07-01 \* PLANNING BOARD OF  
TURF VALLEY VISTAS, LOT 139 \* HOWARD COUNTY, MARYLAND

\* \* \* \* \*

### **DECISION AND ORDER**

On February 8, 2007, the Planning Board of Howard County, in accordance with Section 126.H.3.d(1) and (2) of the Zoning Regulations, held a public hearing to consider the petition of James Carothers for approval of a Concept Site Development Plan, CSDP-07-01, so as to reduce the required 20' setback from the public right-of-way of Links Court to 7' for three existing brick pillars connected by a 6' high iron ornamental fence and to reduce the 5' rear accessory setback to 1' for the southeastern brick pillar.

The subject property is identified as Lot 139 of the Turf Valley Vistas, also known as 2700 Links Court, as shown on Tax Map 16, Grid 18, containing 22,724 sq.ft. of land zoned PGCC-1 (Residential).

The Notice of Hearing was published and the subject property was posted in accordance with the Planning Board's requirements, as evidenced by certification of publication and posting, all of which were made a part of the record of this case.

Brenda Barth of the Department of Planning and Zoning presented the Technical Staff Report, which recommended approval of the requested adjustment in the required setbacks. Mr. James Carothers gave testimony regarding the request and stated that he intended to reduce the height of the brick pillars from 7' to 5 ½' and the fence from 6' to 5' in height. Mr. Carothers explained that the aesthetic quality and design of the fence would be consistent with others located in the neighborhood, and that the Homeowner's Association had approved the design and proposed reductions. Mrs. Carothers also spoke in support of the petition and explained the expense and effort she and her husband had expended to resolve the setback and height issues. Dr. Robert Booth and Mr. Marc Norman presented testimony in favor of the request. No testimony was given in opposition to this case.

### **FINDINGS OF FACT**

1. The Concept Site Development Plan, CSDP-07-01, proposes a reduction of the required 20' street side setback along Links Court from 20' to 7' for three existing 7' high brick pillars and 6' high iron ornamental fencing. A reduction of the 5' rear accessory setback to 1' for the southeastern brick

1 pillar is also required. The applicant will reduce the height of the brick pillars to 5 ½' and the fence  
2 to 5'.

- 3 2. A front and street side setback of 20' from Golf Island Road and Links Court and a 5' rear  
4 accessory setback on Lot 139 is required in accordance with the bulk requirements of the PGCC-1  
5 (Residential) final development plan criteria. Per Section 128.A.1.9.b. of the Zoning Regulations,  
6 fences 6' or under in height are exempt from structure or use setback requirements located along  
7 the side or rear yard if not adjacent to a public street right-of-way. Fences located along a public  
8 street right-of-way must meet the street side setback if over 5' in height.
- 9 3. Lot 139 is a corner lot containing 22,724 square feet of land and is zoned PGCC-1 (Residential).  
10 The lot and surrounding properties are improved with single-family dwellings. The proposed brick  
11 pillars and fencing will be of comparable size and utilize materials similar to others located in the  
12 neighborhood.

#### 13 CONCLUSIONS OF LAW

14 The Concept Site Development Plan, CSDP-07-01, satisfies all standards for approval as provided  
15 in Section 126.H.1. of the Howard County Zoning Regulations.

- 16 1. Approval of the reduction in the setbacks with the reduction in pillar and fence height will not alter  
17 the character of the neighborhood in which the property is located, will not impair the appropriate  
18 use or development of adjacent properties and will not be detrimental to the public welfare. The  
19 intended purpose of the fencing is for safety because the applicant intends to install an in ground  
20 swimming pool on the rear of Lots 139. Adjoining properties have been developed with single  
21 family dwellings, and approval of the requested reduction in the setbacks would not impede the  
22 residential use of those surrounding lots. As a consequence of their location relative to the  
23 adjacent road, the pillars will not cause any sight distance problems at the intersection of Golf  
24 Island Road and Links Court or for vehicles leaving the driveway of adjacent Lot 138. In addition,  
25 the property owners' current proposal to reduce the heights of the pillars and fencing is consistent  
with the fences within the community and the height guidelines of the Turf Valley Vistas  
Homeowner's Association.
2. The adjustments are; a) needed due to practical difficulties or unnecessary hardships which will  
arise in complying strictly with the regulations; and, b) results in a better design than would be

1 allowed by strict compliance with the development criteria. By not approving the requested  
2 setback reductions, the applicant will suffer practical difficulties and unnecessary hardships due to  
3 extensive delays in the completion of the project. Denial would necessitate removal, relocation  
4 and reconstruction of the pillars and fencing. The current proposal to leave the pillars and fencing  
5 in their current locations while reducing their height is a better solution than requiring relocation of  
6 the brick pillars and fencing which would result in further disturbance on the property and create a  
7 smaller back yard on Lot 139.

8 For the foregoing reasons, the application of James Carothers for approval of a Concept Site  
9 Development Plan, CSDP-07-01, is this 22<sup>nd</sup> day of February, 2007, GRANTED by the Planning Board  
10 of Howard County, subject the following condition:

- 11 1. The three existing 7' high brick pillars shall be reduced to 5 ½' in height and the 6' high iron  
12 ornamental fencing shall be reduced to 5' in height.

13 HOWARD COUNTY PLANNING BOARD

14 Tammy CitaraManis /sk  
15 Tammy CitaraManis – Chairperson

16 David Grabowski /sk  
17 David Grabowski – Vice-Chairperson

18 Linda A. Dombrowski  
19 Linda A. Dombrowski

20 MT  
21 Gary Rosenbaum

22 ATTEST:

23 Marsha McLaughlin  
24 Marsha McLaughlin  
25 Executive Secretary

REVIEWED FOR LEGAL SUFFICIENCY BY:  
HOWARD COUNTY OFFICE OF LAW  
BARBARA M. COOK  
COUNTY SOLICITOR

24 Paul Johnson  
25 Paul Johnson  
Deputy County Solicitor

APPLICANT'S EXHIBIT